

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLARD E. BARTEL, et al.,	:	CONSOLIDATED UNDER
(Administrators for Estate of	:	MDL 875
Nestor Ojeda)	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
FOSTER WHEELER COMPANY,	:	
et al.,	:	
	:	E.D. Pa. Civil Action No.
Defendants.	:	2:11-cv-30571-ER

O R D E R

AND NOW, this **27th** day of **October, 2015**, upon consideration of the Motion for Summary Judgment (Judicial Estoppel) of Thompson Hine Shipowner Defendants'¹ (ECF No. 78), and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that the motion is:

(1) **DENIED** as to the arguments related to judicial estoppel; and

(2) **DENIED** as to the arguments related to the real party in interest/standing.

¹ These Defendants are: (1) Mathiasen's Tanker Industries, Inc., (2) Trinidad Corporation, (3) United Fruit Company, (4) American Export Isbrandtsen Lines, Inc., (5) American Export Lines, Inc., (6) American South African Lines, Inc., (7) Farrell Lines Incorporated, (8) Amerada Hess Corporation, (9) Eastern Gas & Fuel, (10) Waterman Steamship Corporation, (11) American Trading & Production Corp., and (12) Marine Transport Lines. (ECF No. 78-1.)

It is **FURTHER ORDERED**, in accordance with the accompanying memorandum, that the Clerk of this Court shall (a) make a copy of this order and the accompanying memorandum and have said copy filed on the docket of Plaintiff's bankruptcy case in the Bankruptcy Court for the District of Puerto Rico (Old San Juan) (No. 02-bk-00922-SEK13); (b) ascertain the identity of the Chapter 13 standing trustee; and (c) have served upon the trustee a copy of said order and memorandum at his/her last known address.

AND IT IS SO ORDERED.

s/ Eduardo Robreno
EDUARDO C. ROBRENO, J.